

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Los Angeles to Pasadena Metro Blue Line Construction Authority (dba Metro Gold Line Foothill Extension Construction Authority) for an order authorizing the construction of two light rail transit tracks at one at-grade pedestrian crossing at the **Duarte Light Rail Transit Station**, in the City of Duarte in the County of Los Angeles, California.

Application 07-06-014  
(Filed June 11, 2007;  
Petition for Modification filed  
February 4, 2013)

**ORDER MODIFYING DECISION 08-01-015**

**Summary**

By a Petition for Modification filed February 4, 2013, the Los Angeles to Pasadena Metro Blue Line Construction Authority (now known as Metro Gold Line Foothill Extension Construction Authority) requests modification of Decision 08-01-015. Decision 08-01-015 granted the Metro Gold Line Foothill Extension Construction Authority authorization to construct an at-grade pedestrian crossing (CPUC Crossing No. 84P-20.20-D) at the proposed Duarte Light Rail Transit Station, in the City of Duarte, County of Los Angeles.

**Discussion**

Metro Gold Line Foothill Extension Construction Authority (Foothill Construction Authority) filed its original Application 07-06-014 on June 11, 2007. The Commission issued Decision (D.) 08-01-015 on January 10, 2008. A time extension was granted by Resolution TED-239 on January 21, 2010, and again by TED-249 on January 23, 2012. TED-249 is set to expire on February 20, 2015.

On March 30, 2010, the Commission's Safety and Enforcement Division - Rail Crossings Engineering Section (RCES) attended a field diagnostic with representatives from the Foothill Construction Authority and the Los Angeles County Metropolitan Transportation Authority (Metro) where safety concerns were raised regarding the Duarte Light Rail Station (Duarte Station) pedestrian entrance ramps. The Duarte Station is designed as a center platform station with one set of light rail transit (LRT) tracks to the north and another set to the south of the station platform. These safety concerns became evident after the originally approved conceptual designs were further refined by the Foothill Construction Authority's design-build contractor. Specifically, the east entrance ramp leading to the Highland Avenue crossing from the station platform was approximately 300 feet long, and exceeded Metro's standard 75-foot maximum station ramp length. This was a major concern because the train speeds of an LRT train at the Highland Avenue crossing location will be much greater when the LRT train has 300 feet to travel before reaching the station platform versus limiting that distance to 75 feet. The LRT train will travel at a slower speed when the distance to the station is 75 feet or less, and thereby reduce the risk to pedestrians entering the station from Highland Avenue. The diagnostic team recommended relocating the station east and shortening the east entrance ramp to meet Metro's standard maximum length of 75 feet.

As a result, Foothill Construction Authority proposes to modify its design by relocating the station platform 634 feet east and limiting the east entrance ramp to 75 feet. This design change also necessitates the relocation of the Duarte Station west pedestrian crossing (CPUC Crossing No. 84P-20.20-D) and corresponding station entrance ramp by the same distance.

In addition, the design for the west pedestrian crossing is also refined to now only cross one LRT track (Track 1), instead of the previously authorized two LRT track (Track 1 and Track 2) designs. The previous crossing design was for a pedestrian crossing with proposed access north, across Track 1, to a new parking lot north of the station, and south across Track 2 to a new sidewalk along Duarte Road. The new design allows for access across only one LRT track south to a new sidewalk on Duarte Road. This additional refinement is due in large part to the relocation of the surface parking lot east to the corner of Highland Avenue and Business Center Drive. Parking lot users will now access the Duarte Station from Highland Avenue (east entrance ramp).

The following brief modifications are described in greater detail in Foothill Construction Authority's Petition for Modification and depicted in revised Exhibits B and C, attached to the filing:

1. Relocate the Duarte Station pedestrian crossing (crossing) 634 feet east, from the previously approved location, to mile post 20.32.
2. Shorten the pedestrian ramps to approximately 75 feet.
3. Redesign the crossing to cross only one LRT track (Track 1) versus two LRT tracks as originally designed.
4. Relocate the Americans with Disabilities Act (ADA)-compliant standard detectable warning tactile strips to the lower portion of the station platform ramp leading to the crossing.
5. Relocate the ADA-compliant standard detectable warning tactile strips on the pathway approach on the south side of the crossing.
6. Change the Commission Crossing Identification Number to CPUC Crossing No. 84P-20.32-D, to reflect the new mile post location of the crossing.

The project is a design-build contract with limited notice to proceed issued on November 2011 and full notice to proceed on April 2012. The Foothill Construction Authority is scheduled to commence construction in 2013.

### **Environmental Review and CEQA Compliance**

The California Environmental Quality Act of 1970 (CEQA, as amended, in 1982) as stated in Public Resources Code Section 21000, et seq. applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. The Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission must modify D.08-01-015, which authorized the project pursuant to Section 1202 of the Public Utilities Code); therefore, the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is the public agency that carries out the project,<sup>1</sup> or the one with the greatest responsibility for supervising or approving the project as a whole.<sup>2</sup> Here, the Foothill Construction Authority is the lead agency for this project and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.<sup>3</sup> As a responsible agency, the

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<sup>1</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

<sup>2</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

<sup>3</sup> CEQA Guidelines, Sections 15050(b) and 15096.

Commission is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.<sup>4</sup>

D.08-01-015 reviewed and considered the combined Final Environmental Impact Statement/Report (FEIS/R) for Segment A of Phase II of the project to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. Section 4321 et seq.) adopted by the Foothill Construction Authority and found them adequate for our decision-making purposes.

The Petition for Modification indicates since the original authorization the Commission issued in D.08-01-015, the Foothill Construction Authority evaluated, prepared and issued two addenda and two supplements to the FEIR, dated 2007. Addendum #1 was dated August 26, 2009, and Addendum #2 was dated June 18, 2010. Supplemental #1 was dated January 18, 2011 and Supplemental #2 was dated January 25, 2012. The FEIS/R did not identify any impacts relative to the design refinements to the crossing or station relocation. The Foothill Construction Authority has determined that the proposed modifications are minor in nature, located within the existing rail right-of-way, and fall within the environmental clearance asserted in the FEIS/R.

As noted in D.08-01-015, the Commission reviewed and considered the FEIS/R, and has now reviewed and considered the addenda and supplements to those documents and finds them adequate for our decision-making purposes.

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<sup>4</sup> CEQA Guideline Section 15096(g).

### **Filing Requirements and Staff Recommendation**

The application is in compliance with the Commission's filing requirements.

The Commission's Rail Crossings Engineering Section reviewed and analyzed the plans submitted with the Petition to Modify and recommends that the Commission grant the Foothill Construction Authority's requests.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **Assignment of Proceeding**

Emory Hagan is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. The Petition for Modification of D. 08-01-015 was published in the Commission's Daily Calendar on February 12, 2013.
2. The Foothill Construction Authority's Petition to Modify requests authority to modify the design, approved by D.08-01-015, of the Duarte Station pedestrian crossing, to be identified as CPUC Crossing No. 84P-20.32-D.
3. The Foothill Construction Authority proposes to relocate the pedestrian crossing and shorten the length of the station entrance ramps to improve pedestrian access and safety.
4. The new crossing design complies with the crossing warning device requirements set forth in Commission General Order 75-D.
5. The crossing pathway design and crossing surface will conform to ADA requirements.

6. The Foothill Construction Authority is the lead agency for this project under CEQA and NEPA and adopted a FEIS/R in approving the project.

7. Since the initial authority was granted by D.08-01-015, the Foothill Construction Authority developed two addenda and two supplements to the FEIS/R.

8. The Foothill Construction Authority has determined that the FEIS/R is adequate to address the proposed modifications identified in this decision.

9. The Commission is a responsible agency for the project under CEQA and in D.08-01-015 reviewed and approved the lead agency's FEIS/R.

### **Conclusion of Law**

1. The FEIS/R and FEIS/R Addendums and Supplements prepared by the Foothill Construction Authority as the documentation required by CEQA and NEPA for the project is adequate for our decision-making purposes.
2. The FEIS/R and FEIS/R Addendums and Supplements were completed in compliance with CEQA.
3. The Petition for Modification is uncontested and a public hearing is not necessary.
4. The Petition for Modification of D.08-01-015 should be granted as set forth in the following order.

### **O R D E R**

**IT IS ORDERED** that Decision 08-01-015 is modified as follows:

1. The Metro Gold Line Foothill Extension Construction Authority is authorized to construct an at-grade pedestrian crossing at the Duarte Station as described in the Petition for Modification and summarized as follows:

- a) Metro Gold Line Foothill Extension Construction Authority shall relocate the Duarte Station pedestrian crossing 634 feet east from the previously approved location to mile post 20.32.
  - b) Metro Gold Line Foothill Extension Construction Authority shall shorten the Duarte Station pedestrian ramps to approximately 75 feet.
  - c) Metro Gold Line Foothill Extension Construction Authority shall modify the Duarte Station pedestrian crossing to cross only one light rail transit track (Track 1) versus two light rail transit tracks as originally authorized.
  - d) Metro Gold Line Foothill Extension Construction Authority shall relocate the Americans with Disabilities Act-compliant standard detectable warning tactile strips to the lower portion of the station platform ramp leading to the Duarte Station pedestrian crossing.
  - e) Metro Gold Line Foothill Extension Construction Authority shall relocate the Americans with Disabilities Act-compliant standard detectable warning tactile strips on the pathway approach on the south side of the Duarte Station pedestrian crossing.
  - f) Change the Commission Crossing Identification Number to CPUC Crossing No. 84P-20.32-D, to reflect the new mile post location of the Duarte Station pedestrian crossing.
2. The Metro Gold Line Foothill Extension Construction Authority shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices, published by the California Department of Transportation.



3. Within 30 days after completion of the work under this order, the Metro Gold Line Foothill Extension Construction Authority shall notify the California Public Utilities Commission's Rail Crossings Engineering Section, by submitting a completed California Public Utilities Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg>. This report may be submitted electronically to [rces@cpuc.ca.gov](mailto:rces@cpuc.ca.gov) as outlined on the web page.
4. In all other respects, California Public Utilities Commission Decision 08-01-015 shall remain in full force and effect.
5. The Petition for Modification is granted as set forth above.
6. Application 07-06-014 is closed.

This order becomes effective 30 days from today.

Dated \_\_\_\_\_, at San Francisco, California.